

SITE DEVELOPMENT PERMIT

FILE NO.	H14-020
LOCATION OF PROPERTY	750 Ridder Park Drive
ZONING DISTRICT	CIC Combined Industrial/Commercial
GENERAL PLAN DESIGNATION	Combined Industrial/Commercial
PROPOSED USE	Site Development Permit to allow the demolition of an existing service station, including underground storage tanks and canopy, the removal of 37 ordinance-size trees, and the construction of a 182,000 square foot industrial building including office, warehouse, and light manufacturing uses on 8.47 gross acre site
ENVIRONMENTAL STATUS	Addendum to the North San Jose EIR
OWNER/APPLICANT ADDRESS	Super Micro Computer 980 Rock Avenue San Jose, CA. 95131

FINDINGS

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The subject site is located on the southwest corner of Ridder Park Drive and Schallenger Road. The site is currently developed with existing service station building with an associated fueling canopy and a large parking lot and landscaping. The site is surrounded by warehouse retail to the north, Coyote Creek and undeveloped land to the northeast across Schallenger Road, heavy industrial uses to the south and east across the UPRR tracks, and an industrial building to the west.
2. **Project Description.** The subject Site Development Permit is to allow the demolition of an existing service station, including underground storage tanks and canopy, the removal of 37 ordinance-size trees, and the construction of a 182,000 square foot industrial building for office, warehouse, and light manufacturing uses on 8.47 gross acre site. The project includes the construction of a new driveway on Schallenger Road that will be exit only.
3. **General Plan Conformance.** The Project is consistent with the site's Envision San Jose 2040 General Plan Land Use / Transportation Diagram designation of Combined Industrial/Commercial in that this designation is intended for commercial, office, or industrial developments or a compatible mix of these uses. The subject permit will allow redevelopment of the site for office and industrial job growth.

4. **Zoning Code Compliance.**

- a. Section 13.32.030 of the City of San Jose Municipal Code states that a development permit may permit the removal of a live tree. The subject permit includes the removal of 37 ordinance-size trees and several non-ordinance size trees. These removals will be mitigated by the planting of a total of 211 replacement trees on site.
 - b. Under the provisions of Section 20.80.460 of the San Jose Municipal Code, the Director, or on appeal the Planning Commission or City Council, shall determine whether the benefits of permitting the demolition, removal or relocation of a building outweighs the impacts of the demolition, removal or relocation of a building prior to the issuance of any development permit which allows for the demolition, removal, or relocation such building. The subject permit includes the demolition of an existing service station and associated fueling canopy.
 - c. Section 20.100.610 of the City of San José Municipal Code states that a Site Development Permit is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations.
 - i. **Setbacks.** The required front setback for parking and circulation is 20 feet; the proposed parking lot maintains this setback. There is no rear or side setback requirement.
 - ii. **Height.** Per the development standards, buildings can be a maximum of 50 feet in height, which the proposed building complies with.
 - iii. **Parking Requirement.** Parking for manufacturing uses is required at a rate of one space/350 square feet of floor area, parking for office uses is required at a rate of one/250 square feet of floor area, and parking for warehouse uses is required at a rate of one/5000 square feet of floor area. Based on 22,000 square feet of manufacturing uses, 22,500 square feet of office uses, and 137,500 square feet of warehouse, 159 parking spaces are required. A total of 185 parking spaces are provided.
5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties. An Addendum to the North San Jose Environmental Impact Report (EIR) was prepared for the project and found that the project would not have a negative effect on the environment.
6. **Tree Removal Permit Findings.** After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the Director of Planning finds:
- a. That the tree is of an affected size, type and condition, and are in such a location in such surroundings, that their removal would not significantly frustrate the purposes of Chapter 13.32; and
 - b. That the location of the trees with respect to the proposed improvement unreasonably restricts the economic development of the parcel in question.
7. **Demolition Permit Findings.** The Director of Planning has considered the following in evaluating the proposed demolition:
- a. The failure to approve the permit would result in the creation of continued existence of a nuisance, blight or dangerous condition.

- b. The failure to approve the permit would jeopardize public health, safety or welfare.
 - c. Both inventoried and non-inventoried buildings, sites and districts of historical significance will not be negatively impacted.
 - d. The approval of the demolition of the building would maintain the supply of existing housing stock in the City;
 - e. Rehabilitation or reuse of the existing building would not be feasible; and
 - f. The approval of the demolition of the building should facilitate a project that is compatible with the surrounding neighborhood.
8. **Site Development Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.
- a. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious in that; the project proposes a one-story building in scale and architecturally compatible with the existing building on the site.
 - b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood in that the project includes design elements that mimic the scale of surrounding development.
 - c. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties in that an Addendum to the North San Jose EIR was granted for this project under the provisions of environment review requirements of Title 21 of the San José Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
 - d. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood in that:
 - i. The project includes a new covered trash enclosure designed consistently with the proposed building.
 - ii. Rooftop equipment will be screened to mitigate visual impacts.
 - e. Traffic access, pedestrian access and parking are adequate in that:
 - i. This project includes the construction of an exit only driveway on Schallenberger Road that will aide on-site circulation.
 - ii. The project conforms to the vehicle and bicycle parking requirements set forth in the Zoning Ordinance.
 - f. The application is consistent with the site's Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial in that this designation is intended for commercial, office, or industrial developments or a compatible mix of these uses. The subject permit will allow redevelopment of the site for office and industrial job growth.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Conformance to Plans.** The development of the site shall conform to the approved (Name Type of Permit Here) plans entitled, "Site Development Permit for Supermicro" dated May 16, 2014 last revised on August 1, 2014, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
6. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.

7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
8. **Revocation.** This Permit is subject to revocation for violation of any of its provisions or conditions.
9. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
10. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
12. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
13. **Directory.** A lighted directory showing addresses and locations of all buildings on site shall be provided at the main entrance of the site.
14. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
15. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
16. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Sign Permit Adjustment.
17. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
18. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
19. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
20. **Perimeter Fencing.** Fence height and materials shall be provided as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement. Existing perimeter fences shall be repaired and maintained by the developer and/or property owner in accordance with the standards established on the approved plan set.

21. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
22. **Motorcycle Parking.** This project shall conform to the motorcycle parking requirements identified on the Zoning Ordinance, as amended. The required spaces shall be provided through a combination of dedicated spaces as shown on the plans and the use of surplus vehicular parking spaces which may serve as motorcycle parking spaces.
23. **Bicycle Parking Provisions.** This project shall provide a combination of short term uncovered bike parking as well as long term covered parking consistent with the requirements noted in the Zoning Ordinance.
24. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
25. **Green Building Requirements for Tier 2 Non Residential Development (≥25,000 square feet).** This development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this permit, the applicant shall pay a Green Building Refundable Deposit in the amount of \$30,000 applicable to the gross square footage of said buildings which are approved through this permit. The project must receive the minimum green building certification of LEED Silver. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
26. **Reclaimed Water.** The project shall conform to Chapter 15.10 and 15.11 of the San José Municipal Code. The Code addresses the use of reclaimed water including the requirement that an irrigation system be designed to allow for the current and future use of reclaimed water for all landscaped cumulative areas in excess of ten thousand (10,000) square feet.
27. **Window Glazing.** Unless otherwise indicated on the approved plan, all windows shall consist of a transparent glass.
28. **Timing of Tree Removals.** For trees that are proposed for removal to accommodate new development, said trees shall not be removed until the related Building Permit has been issued.
29. **Permit Posting.** Prior to commencement of and during removal of any ordinance-size tree pursuant to this Permit, the applicant shall post on the site, or cause to be posted, a copy of this validated Permit in conformance with the following:
 - a. The copy of the permit shall be a minimum size of 8.5 by 11.0 inches; shall be posted at each public street frontage within 2 feet of the public sidewalk or right-of-way; and shall be posted in such a manner that the permit is readable from the public sidewalk or right-of-way; or
 - b. If the site does not have a public street frontage, a copy of the permit shall be posted at a location where the permit is readable from a common access driveway or roadway.

30. **Presentation of Permit.** During removal of any ordinance-size tree pursuant to this permit, the applicant shall maintain the validated permit on the site and present it immediately upon request by the Director of Planning, Building and Code Enforcement, Police Officers or their designee.
31. **Demolition.** This permit allows the demolition of structures as noted on the approved Plans.
32. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
33. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
34. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
35. **Hazardous Materials.** Any hazardous materials regulated by Chapter 17.68 of the San Jose Municipal Code on the site must be used and stored in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San Jose Fire Prevention Bureau.
36. **Hazardous Materials Storage.** Due to the proximity of this site to residential uses, this Permit specifically prohibits the storage or use of hazardous materials in any area other than inside the structures as shown on the approved plan. No hazardous materials shall be stored in underground tanks or in structures accessory to the main buildings.
37. **Hazardous Materials Storage.** This permit does not include any approval of facilities or areas on, within, or under the site to be used for the storage of hazardous, toxic, flammable, or combustible materials, and such facilities or areas are subject to review under a separate Site Development Permit.
38. **Industrial Waste.** If industrial waste, as defined by Chapter 15.12 of the San Jose Municipal Code, is to be discharged into the sanitary sewer system, a clearance shall be obtained from the Water Pollution Control Plant, Industrial Waste Section.
39. **Asbestos.** In accordance with State law, an asbestos survey shall be completed prior to the demolition renovation of any structures on the site. If any asbestos building materials are present, an asbestos abatement program will be implemented, including the removal and disposal of the materials at a permitted facility.

40. **Conformance to MMRP.** This project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program approved for this development. \

a. Air Quality (Project Applicant in accordance with Project Contractor and the City of San Jose Planning Department).

i. **MM AIR-1:** The following mitigation measure is identified as part of the certified 2005 NSJ FPEIR and is proposed by the project:

The project will implement the following on-site measures, with a goal of a 15 percent reduction in daily vehicle trips:

- 1) Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- 2) Provide on-site showers and lockers for employees bicycling or walking to work. Provide secure and conveniently located bicycle parking and storage for workers.
- 3) Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
- 4) Design buildings so that they can provide on-site services for future employees.

The following TDM measures will be implemented by the building owner and coordinated with future tenants occupying the project development:

- 1) The building owner will provide an on-site TDM coordinator to develop and implement a transit use incentive program for building employees, including on-site distribution of Eco-passes (or equivalent broad spectrum transit pass) and/or subsidized transit passes for local transit systems (participation in the Clipper program would satisfy this requirement).
- 2) Provide transit information kiosk.
- 3) On-site TDM coordinator will implement a carpool program, providing carpool ridematching for employees.
- 4) Provide designated preferential parking for carpool vehicles.
- 5) Provide designated preferential parking for electric or alternatively-fueled vehicles.

b. Biological Resources (Project Applicant in accordance with Project Contractor and the City of San Jose Planning Department).

i. **MM BIO- 1:** The following measure is identified as part of the certified 2005 NSJ FPEIR (Section E, p.235 and 237) and the 2011 Envision San Jose General Plan 2040 EIR (Section 3.5.3.7 p.489, 490, and 494) and is proposed by the project:

- 1) Nesting birds protected by the Migratory Bird Treaty Act and other regulations may be impacted by construction during the bird breeding season from February through August. Ideally the clearing of vegetation and the initiation of construction would be done in the non-breeding season from September through January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within 14 days of

the onset of construction or clearing of vegetation. The survey area should encompass the project area and the areas within a 100 foot buffer. If active nests of behavior indicative of nests are encountered, those areas plus a 50-foot buffer for small songbirds and 250-foot buffer for larger birds (e.g. raptors) designated by the biologist in coordination with CA Department of Fish and Wildlife shall be avoided until the nests have been vacated. If the work areas are left unattended for more than one week following the initial surveys, additional surveys shall be completed.

- c. Geology and Soils (Project Applicant in accordance with Project Contractor and the City of San Jose Planning Department).
 - i. **MM GEO-1:** A design-level ground improvement plan and specifications must be submitted for review and approval. The plan should show the locations of all ground improvement structures and include details and specifications for installation. The ground improvement plan and specifications will be an attachment to the approved grading plan set. The plans and specifications must be wet signed and stamped by a Registered Geotechnical Civil Engineer. In addition, a plan review letter, wet signed and stamped by the Geotechnical Engineer of Record (CEG), approving the ground improvement plan and specifications, must be submitted to the Senior Project Engineer of Public Works prior to the issuance of grading permit.
- d. Hazards and Hazardous Materials (Project Applicant in accordance with Project Contractor and the City of San Jose Planning Department).
 - i. **MM HAZ-1:** A Site Management Plan (SMP) and Health and Safety Plan (HSP) will be prepared for the proposed demolition and development activities. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and ground water that may be encountered during construction activities. Based on the history of the Site, areas of impacted soil, soil vapor and ground water may be encountered during construction activities, which may require special monitoring, handling and/or disposal.
- e. Noise (Project Applicant in accordance with Project Contractor and the City of San Jose Planning Department).
 - i. **MM NOI-2:** The project will implement the following measures as part of a construction noise plan to reduce construction noise levels as low as practical:
 - 1) Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
 - 2) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
 - 3) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
 - 4) Locate staging areas and construction material areas as far away as possible from adjacent land uses;
 - 5) Prohibit all unnecessary idling of internal combustion engines;

- 6) If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;
 - 7) If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected;
 - 8) If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing;
 - 9) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule;
 - 10) Since this site is located within 500 feet of a residential unit, all noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way shall be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Construction activities are not allowed to occur anytime on weekends or holidays
41. **Air Quality Standard Conditions.** Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the standard project conditions listed below will reduce the temporary construction impacts to a less than significant level.
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Replant vegetation in disturbed areas as quickly as possible.
 - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- i. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

42. Biological Resources Standard Conditions.

- a. The location of street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along the entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Project." Street trees shall be installed in cut-outs at the back of the curb. Obtain a DOT street tree planting permit for any proposed street tree planting.

43. Cultural Resources Standard Conditions.

- a. In the event any significant cultural materials are encountered, all construction within a radius of 50-feet radius of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.
 - i. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify "most likely" descendants of the deceased.
 - ii. If the Director of Planning, Building and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.
- b. A final report will be prepared by the project archaeologist when a find is determined to be a significant archaeological resource, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, and testing, and other recovered information, and conclusions.

44. Geology Standard Conditions.

- a. A design-level geotechnical investigation report addressing the potential hazard of liquefaction and expansive soils must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation, and should provide detailed geotechnical recommendations for the design and construction of the project.

- i. A grading permit is required prior to the issuance of a Public Works Clearance.
- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
- iii. The project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, and therefore a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommendation depth of 50 feet should be explored and evaluated in the investigation.
- vi. Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
- b. The project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

45. Hazards and Hazardous Materials Standard Project Conditions.

- a. The responsible party and/or property owner shall notify the Santa Clara Valley Water District Leaking Underground Storage Tank Oversight Program and the City of San Jose Planning Department if Site development activities will result in drilling, excavation, or other subsurface construction activities in the vicinity of the former USTs. The responsible party and/or property owner shall prepare an appropriate health and safety plan and/or risk assessment for any subsurface work that may allow for a pathway of exposure to receptors. The City of San Jose Fire Department shall be notified if any additional sumps, tanks, or piping are removed during construction

46. Hydrology Standard Project Conditions.

- a. Compliance with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall be required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
 - i. Preclude non-stormwater discharges to the stormwater system.
 - ii. Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
 - iii. Cover soil, equipment, and supplies that could contribute pollution prior to rainfall events or monitor runoff.
 - iv. Perform monitoring of discharges to the stormwater system.
- b. Comply with the City’s Grading Ordinance. The project proposes to implement the following measures:
 - i. The proposed project must comply with the City’s Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29.
 - ii. The project’s Stormwater Control Plan and numeric sizing calculations will be in conformance with City Policy 6-29.
 - iii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - iv. When the construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the Regional Water Quality Control Board and the City of San José. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

47. Land Use Standard Conditions. The following measures are identified as part of the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR to be required of future industrial development in North San José and are proposed by the project to further reduce land use compatibility impacts:

- a. Compliance with the City of San José General Plan Policies, including the following:
 - i. **North San José Area Development Policy**
 - 1) Industrial Land Use Policy #12: Employee intensive uses should be encouraged to locate near transit facilities.

- 2) Industrial Land Use Policy #19: New industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.

ii. Envision San José 2040 General Plan

- 1) Policy LU-1.5: With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
- 2) Policy LU-1.6: Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers or increase services to areas with high concentrations of residents, workers, or visitors.

48. Transportation Standard Project Conditions.

- a. The proposed project shall comply with the City's North San José Area Development Policy and Deficiency Plan Fee.
- b. According to the North San Jose Area Development Policy, "high intensity development proposals (that include parking in excess of 105% of the City requirement) will need allocation based upon the City's Zoning Code parking ratio for the proposed use (e.g. for industrial park development, 350 square feet of development capacity will need to be allocated to the property for each additional parking space in excess of 105% of the minimum requirement). Allocations for high intensity uses will be subject to all of the provisions of this Policy, including payment of the Traffic Impact Fee. The current project does not exceed the minimum parking requirement and would not be subject to this fee.
- c. Consistent with the NSJ FPEIR, the proposed project is required to pay a traffic impact fee (TIF). The 2014 fee is \$13.54 per square foot of industrial use and subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2015. This fee must be paid prior to issuance of Public Works Clearance.

49. Utilities Standard Project Conditions.

- a. Ensure storage area is large enough to accommodate both garbage and recycling containers. The minimum enclosure size to accommodate two three cubic yard bins is 11.5 feet by eight feet with an additional eight feet in front for the concrete service pad.
- b. Ensure trash/recycling enclosure has a covering (roof structure or similar) to minimize storm water intrusion. Drainage within enclosure area should slope inward and be connected to sanitary system or drain into landscaped areas.
- c. Ensure enclosure has enough capacity, or frequency of collection for garbage and recycling, to accommodate site operations.
- d. Ensure proper hauler access to solid waste containers. Validate width of driveway and vehicle turning radius. Enclosure areas must be accessible by garbage/recycling trucks by providing minimum 22 foot wide driveways and a 50 foot turning radius for collection vehicles unless other waste management practices will be implemented.

- e. Ensure that project demolition debris is properly recycled or disposed. Details on recycling construction waste are available through the Construction and Demolition Diversion Deposit (CDDD) incentive program. Information is available at: <http://www.sanjoseca.gov/construction-demolition>
 - f. The proposed commercial development must follow the requirements for recycling container space. When 30 percent or more of the original floor space is added to an existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
 - g. It is required that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. Additional information can be found at <http://www.sanjoseca.gov/construction-demolition> or by contacting the Commercial Solid Waste Program at (408) 535-8550.
 - h. The City will be enhancing elements of the solid waste management program for commercial and industrial developments, which include the recycling of food waste and related materials starting July 2012. Such program enhancements have been addressed to the City Council for approval in March 2009. Developments will need to provide adequate space for the collection of garbage, recycling and food waste material.
50. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, H14-020, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
 - d. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
51. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
52. **Fire Flow.** Required fire flow for the site is calculated using CFC Appendix B, or as otherwise approved in writing by the Fire Chief. A 50% reduction in required fire flow may be authorized for sprinklered buildings containing light hazard occupancies. A 25% reduction in required fire flow may be authorized for sprinklered buildings containing ordinary hazard occupancies. No reduction is provided for unsprinklered or extra hazard occupancy buildings.

53. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by the Fire Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief. The number and distribution of fire hydrants shall be based on CFC Table C105.1 (no reduction allowed for fire flow requirement).
54. **Fire Hydrants and Driveways.** All fire hydrants shall be at least 10 feet from all driveways to the satisfaction of the Fire Chief.
55. **Access Control.** When access control devices including bars, grates, gates, electric and/or magnetic locks, or similar devices which would inhibit rapid fire department emergency access to the building are installed, such devices shall be approved by the Chief. All access control devices shall be provided with an approved means for deactivation or unlocking by the Fire Department. Access control devices shall also comply with CFC/CBC Chapter 10 for exiting.
56. **Security Gate Access.** All access control vehicle security gate(s) shall be a minimum of 20 feet clear width and may have a clear width of 14 feet for each direction of travel when split by median. Gates shall be recessed beyond the turning radius required by the San Jose Fire Department and without obstruction of any median island dividers. All gate installing shall be reviewed and approved prior to construction. Electric gate operators must have UL 325 listing and it gate must comply with ASTM F2200.
57. **Lock Boxes.** The project development shall provide lock boxes to the satisfaction of the Chief Building Official and Fire Chief.
58. **Emergency Vehicle Access.** Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. To the satisfaction of the Fire Chief, the fire access shall include the following:
- a. An approved all weather surface;
 - b. Access road that are at least 20 feet wide;
 - c. Dimensions with a minimum 13 feet 6 inch vertical clearance;
 - d. Load bearing designs that are maintained to support the loads of fire apparatus of at least 75,000 pounds;
 - e. Maintain a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
 - f. Designs with approved provisions for turning around of fire apparatus if it has dead ends and is in excess of 150 feet;
 - g. Maintain a maximum grade of 15%;
 - h. Provide a second point of access is required when a fire apparatus road exceeds 1,000 feet;
 - i. Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)
 - i. Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked

- ii. Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked

59. **DRAFT Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, and is subject to the following requirements to the satisfaction of the Director of Public Works:

- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- b. **Transportation:**
 - i. An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
 - ii. Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2014 fee is \$13.54 per square foot of industrial use and subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2015. This fee must be paid prior to issuance of Public Works Clearance.
- c. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
 - iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication

- 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- d. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
 - e. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
 - f. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - g. **Street Improvements:**
 - i. Ridder Park Drive frontage:
 - 1) Install tree wells in cut-outs at the back of curb along Ridder Park Drive.
 - 2) Remove and replace existing broken or uplifted curb, gutter, and sidewalk along project frontage.
 - ii. Schallenberger Road Frontage:
 - 1) Construct curb, gutter and 10-foot attached sidewalk with tree wells along the Schallenberger Road frontage that extends to the limit of work. Tree wells will also be required within the portion of existing sidewalk.
 - 2) Remove and replace existing broken or uplifted curb, gutter, and sidewalk along project frontage.
 - iii. Proposed driveway widths to be 32-feet.
 - iv. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - v. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - vi. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - h. **Sanitary:** There is currently adequate sewer capacity to serve this project (160,000 square foot light industrial, warehouse and office use) sanitary sewer lateral shall connect to Ridder Park Drive.
 - i. **Electrical:** New streetlights will be required along the project frontages to satisfy the City's current lighting requirements. The locations of the streetlights will be determined at the public improvement stage. There are currently no existing streetlights along the Ridder Park Drive frontage and 2 streetlights along the Schallenberrger Road frontage.

- j. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Projects”. Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.

60. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this 13th day of August, 2014.

Harry Freitas, Director
Planning, Building, and Code Enforcement

Deputy